



2561 SOUTH BROADWAY
GREEN BAY, WI 54304

CHARLES J. LARSCHEID

PHONE: (920) 492-4950 FAX: (920) 492-4957

PORT AND SOLID WASTE DIRECTOR

PROCEEDINGS OF THE BROWN COUNTY HARBOR COMMISSION

A meeting was held on Monday, **SEPTEMBER 14, 2009**, 11:30AM
at Holiday Inn – City Centre, Green Bay, WI.

The meeting was officially called to order by President McKloskey at 11:30AM.

1) Roll Call:

Present: President Neil McKloskey
Commissioner John Gower (arrived at 11:45am)
Commissioner Ron Antonneau
Commissioner Craig Dickman
Commissioner Hank Wallace
Commissioner Bill Martens
Commissioner John Hanitz

Excused: Commissioner Bernie Erickson
Vice-President Tom Van Drasek

Also Present: Dean Haen, Brown County Port & Solid Waste
Tony Walter, Green Bay Press-Gazette
Aaron Schuette, Brown County Planning
Kristen Paquet, Leonard & Finco

2) Approval/Modification – Meeting Agenda

A motion to approve the meeting agenda was made by Ron Antonneau and seconded by Hank Wallace. Unanimously approved.

3) Approval/Modification – July 20, 2009 Meeting Minutes

A motion to approve the minutes of the July 20, 2009 meeting was made by Ron Antonneau and seconded by Bill Martens. Unanimously approved.

4) Trail Easement – Request for Approval

The Commission requested additional information before making a decision on the City of Green Bay's request for a trail easement along the Bay Port CDF property. The Commission asked for: 1) an update on the current status of Renard Island with regards to the City of Green Bay; 2) cost estimates for a boardwalk should an easement not be granted by Brown County; 3) finalization of any other outstanding issues with the City; 4) viability of obtaining any financial compensation from the City; and 5) willingness of the City of Green Bay to work cooperatively with Brown County including a 50/50 split of any cost savings.

A motion to table the City of Green Bay's request for a trail easement at the Bay Port property pending further review was made by Ron Antonneau and seconded by Craig Dickman. The request will be brought back to the Commission at the December 14, 2009 meeting. Also the City of Green Bay is be notified that the matter has been tabled for three months pending the outcome of the above-stated issues. Unanimously approved

5) Budget Transfers – Request for Approval

The New World Financial System being implemented by Brown County was explained to the Commission. The new system documents both the expenses and revenues and has "ceilings" on the funds/accounts. Once in place, the system is expected to provide better tracking and management of department budgets. Under this new system, until a budget transfer is approve, some accounts are frozen and bills cannot be paid because the "ceilings" in those accounts have been met. The budget transfer request adjustments are for: webcam (Homeland Security Grant); additional tipping fee revenue; legal fee reimbursement; aerial photographs of Port; H₂O membership; Bylsby delineation work, rental income & expenses; Renard Island engineering, legal fees & professional services; income from 217 activities; extended work season of six weeks at Bay Port which resulted in additional operational costs. The budget transfers have been approved by Planning, Development & Transportation. An annual review of the budget and performance will be available year-end.

A motion to approve the budget transfers was made by Ron Antonneau and seconded by Hank Wallace. Unanimously approved.

6) Harbor Fee & Terminal Operator Meeting Results – Request for Approval

A meeting to set policy for use of Harbor Fee funds was held recently. Only two of the thirteen terminal operators attended along with representatives from Leonard & Finco who provided an update on the Strategic Communication Plan as well as future plans. It was agreed to allocate \$30,000 year one and \$35,000 each of the next 2 years for the Strategic Communication Plan with all remaining funds to be used for Brown County's share of the Cat Island project. Brown County needs to secure Cat Isle funding before a cooperative project agreement can be signed. The amount of Brown County's contribution is dependant on the State's Harbor Assistance Program grant. If awarded, this would be an 80%/20% cost share (NRDA funds of \$800,000, Harbor Fee funds of \$450,000 and the balance from harbor dredging (\$500,000) to obtain the \$1.7M local share contribution needed). If Brown County can meet the financial obligation of the entire \$34M project then all options will be covered should the project be done in increments. The U.S. Army Corps of Engineers (USACE) has requested \$9M from the Great Lakes Restoration Initiative through the Environmental Protection Agency (EPA) for work on the spine and first island of the Cat Island chain. The USACE has an anticipated start date of 2012, however work may begin sooner depending on whether the grant is received. A summary of the meeting was sent to all Terminal Operators.

A motion was made by Hank Wallace and seconded by Ron Antonneau to approve allocating all Harbor Fee funds as part of the financial contribution as required on the restoration project of the Cat Island Chain, with the exception of up to \$35,000 annually being used for the Strategic Communication Plan. Unanimously approved.

7) Strategic Plan Subcommittee - Update

The Strategic Plan Subcommittee to date has finalized the Mission Statement and Vision of the Strategic Plan. It is still anticipated that the Plan will be complete by year end. A draft copy of the Plan was distributed at the meeting. The next meeting is scheduled for

September 28, 2009, 11am at the Brown County Materials Recycling Facility. Any feedback, suggestions or comments from the commissioners is welcome.

8) Great Lakes Restoration Initiative - Update

The USACE submitted a \$9M request with the U.S. Environmental Protection Agency (EPA) to build the spine and the first island on the Cat Island project. Unfortunately the EPA does not have any authority to disseminate money so they give it to other Federal agencies to disseminate. If the USACE receives the money Brown County is still responsible for meeting the local cost-share of 35%. Brown County's initial match requirement for the Great Lakes Restoration initiative for Cat Island would be 25% or \$3M which would be less than the cost share required by the State. The Commission discussed whether the Cat Islands would be suitable for human use, similar to those discussed for Renard Island. This might be a possible revenue source for Brown County in the future although it was noted that no physical structures could be put on the islands. The total acreage of the three islands is approximately 272 acres.

9) Brown County Planning Dept. Waterfront Redevelopment Plan – Update

The Brown County Planning Department began working on a waterfront plan several years ago but it was subsequently put on hold. The Planning Department will begin work again on the redevelopment plan as a contract and funding have been received. The plan will encompass the area from the mouth of the river all the way up river to the St. Norbert College area. The plan will address what can be done, what plans are out there now, and the coordination of plans. The plan consists of three components: 1) economic development, 2) environmental sustainability, and 3) cultural or social aspects. The Plan strives for a balance among those three components but hopes to capitalize on the Port of Green Bay as an urban theatre. Noted was Brown County's vested interest in what happens along the river. A kickoff meeting is tentatively scheduled for September 30th. Upon completion and approval the Waterfront Redevelopment Plan will be an amendment to the Brown County Comprehensive Plan. The Commission will be kept apprised of progress.

10) Fox River Clean-up – Update

Since a meeting in July, the EPA and WDNR seem unwilling to continue discussions with Brown County on navigational and environmental dredging issues. Decisions on dredging are being made based on data collected in 2004 which is irrelevant since additional dredging has taken place every year since 2004. Dredging is being allowed at the mouth of the river, however dredging at the East River turning basin and Fort Howard turning basin are still areas of contention. Since completion of the Fox River Clean-up Project is not anticipated until 2016, this will most likely continue to be an ongoing issue. Although the Port of Green Bay has USACE authorization to dredge, the U.S. Department of Justice has final authority.

After further discussion on the navigational channel, turning basins and dredging, the Commission directed staff to send a certified letter to the EPA and WDNR to make them aware that these issues discussed by the Harbor Commission. The Commission would like it known that there is great concern about the impact that the lack of action has on the economic viability of the Port especially during these difficult economic times. If a response is not received within 30 days, the Commission is prepared to take more aggressive and more formal action to drive towards some sort of resolution or increase focus on these issues. The Commission suggested inviting representatives from the EPA and WDNR to the next Harbor Commission meeting.

11) Director's Report

- *Ballast Water*

Rep. Molepski introduced Bill 360 to regulate ballast water in the state. The WDNR is also working on administrative rules for ballast water. After 8 years, the USCG has come out with a draft rule to regulate ballast water on a national level and is out for public comment for 90 days. It is imperative that the proposed Bill 360 be set aside and that the WDNR halt their progress on a State ballast water rule. Having a separate State ballast water rule different from the USCG will only hurt Wisconsin businesses. Rep. Soletski was a cosigner of Bill 360. The Commission suggested Rep. Nelsen and Rep. Soletski be asked to request removal of Bill 360 in support of a national ruling by the USCG.

- *EPA Air Emission Rules*

The EPA air emission rule (which is preliminary at this time) would prevent ships from burning bunker fuel which is a higher sulfur diesel base. Concern among the Great Lakes industry is that 15 vessels currently in service on the Great Lakes would have to be scrapped since they would be unable to convert them by 2015. Bay Ship received two (2) grants and will be converting some ships during the coming year. It is possible the 15 vessels unable to be converted might be grandfathered till they are out of useful life.

- *WCPA Annual Meeting*

The 2009 Annual Wisconsin Commercial Ports Association meeting was held recently in Sturgeon Bay and was well attended and informative.

- *AGLP Meeting*

The American Great Lakes Ports meeting held in Indianapolis, Indiana was attended by the Port Manager Haen and dealt with Great Lakes-wide issues.

12) Audit of Bills – Request for Approval

A motion to approve the bills was made by Bill Martens and seconded by Ron Antonneau. Unanimously approved.

13) Tonnage Report

Tonnage is down 22% compared to last year at this time. Most of the salt has been delivered for the year.

14) Such Other Matters as are Authorized by Law

No other matters to discuss.

15) Adjourn

A motion to adjourn was made by Craig Dickman and seconded John Hanitz. Unanimously approved. Meeting adjourned at 1:00pm.

Neil McKloskey, President
Harbor Commission

Charles Larscheid, Director
Port & Solid Waste Department